

## **EXHIBIT 4**

**[PROPOSED] ORDER GRANTING TRUSTEE'S  
MOTION IN LIMINE NUMBER 4 TO EXCLUDE  
EXHIBITS NOT PRODUCED DURING DISCOVERY**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (SMB)  SIPA Liquidation  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	Adv. Pro. No. 09-01182 (SMB)

J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,  
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,  
ASCOT FUND LTD., GABRIEL CAPITAL  
CORPORATION,

Defendants.

**[PROPOSED] ORDER GRANTING MOTION IN LIMINE  
NUMBER 4 TO EXCLUDE DOCUMENTS NOT PRODUCED DURING DISCOVERY**

Upon consideration of the Notice of Trustee's Motions *In Limine* Numbers 1 through 4, Trustee's Motion *In Limine* and Memorandum of Law Number 4 to Exclude Documents Not Produced During Discovery (the "Motion") dated April 7, 2017, ECF No. \_\_\_\_\_, filed by Irving H. Picard, as trustee ("Trustee") for the substantively consolidated liquidation of Bernard L.

Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”); the Declaration of Lan Hoang in Support of Trustee’s Motions *In Limine* Numbers 1 through 4 dated April 7, 2017, ECF No. \_\_\_\_; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the Motion on \_\_\_\_\_ (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case, **IT IS HEREBY:**

**ORDERED**, that the following exhibits shall not be admitted into evidence at the trial in the above-captioned adversary proceeding, whether as affirmative or rebuttal evidence:

- (28) Black Oak;
- (29) Bracebridge;
- (830) NYAG SJ Ex. 93;
- (831) NYAG SJ Ex. 94; and
- (832) NYAG SJ Ex. 95.

**IT IS HEREBY FURTHER ORDERED**, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: \_\_\_\_\_  
New York, New York

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HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE